

ORIGINAL

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED

OCT 28 4 23 PM '98

MAILING ONLINE SERVICE

Docket No. MC98-1

MOTION OF UNITED STATES POSTAL SERVICE
FOR PROTECTIVE CONDITIONS
FOR RESPONSE TO OCA/USPS-T5-33
(October 28, 1998)

The Postal Service hereby moves that protective conditions be established to govern the provision of materials in response to interrogatory OCA/USPS-T5-33. Undersigned counsel has been authorized by counsel for the OCA to state that the OCA is agreeable to the establishment of protective conditions.

The protective conditions are needed because the material sought is proprietary postage-payment calculation software. The computer code could be of value in the marketplace. Accordingly, the Postal Service requests that the attached protective conditions, based on conditions established in Presiding Officer's Ruling No. R97-1/52, be established to protect this material.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

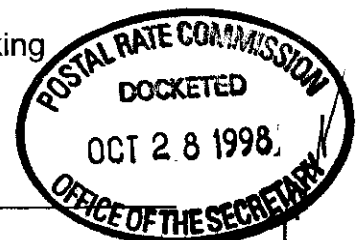
By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Scott L. Reiter

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2999; Fax -5402
October 28, 1998



STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to materials provided in Docket No. MC98-1 by the Postal Service in response to OCA/USPS-T5-33 and filed as Library Reference USPS-LR-15/MC98-1 (hereinafter, "these materials"). Individuals seeking to obtain access to those materials must agree to comply with these conditions, and complete the attached certifications.

1. Only those persons who are either:
 - (a) employees of the Postal Rate Commission (including the Office of the Consumer Advocate) with a need-to-know; or
 - (b) a participant in Postal Rate Commission Docket No. MC98-1; or a person employed by such a participant, or acting as agent, consultant, contractor, affiliated person, or other representative of such participant for purposes related to the litigation of Docket No. MC98-1; shall be granted access to the materials. However, no person involved in software development or evaluation for any entity that might gain competitive advantage from use of these materials shall be granted access.
2. No person granted access to these materials is permitted to disseminate those materials in whole or in part to any person not authorized to obtain access under these conditions.
3. The final date of any participant's access shall be
 - (a) the date on which the Postal Rate Commission closes the evidentiary record in Docket No. MC98-1; or
 - (b) the date on which that participant formally withdraws from Docket No. MC98-1; or
 - (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. MC98-1 participant on whose behalf that person obtains access, whichever comes first. The participant immediately shall notify the Postal Rate Commission and United States Postal Service counsel in Docket No. MC98-1 of the termination of any such business and consulting arrangement or retainer or affiliation which occurs before the closing of the evidentiary record.
4. Immediately after the Commission issues its last recommended decision in Docket No. MC98-1, a participant (and any person working on behalf of that participant) who has obtained a copy of these materials shall certify to the Commission:

- (a) that the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) that the copy (and any duplicates) either have been destroyed or returned to the Commission.
- 5. The duties of any persons obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.
- 6. All persons who obtain access to these materials are required to protect the materials by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially-sensitive, and privileged information.
- 7. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in Docket No. MC98-1.
- 8. The duty of nondisclosure of anyone obtaining access to these materials is continuing, terminable only by specific order of the Commission.
- 9. Any Docket No. MC98-1 participant or other person seeking access to these materials, by requesting access, consents to these or such other conditions as the Commission may approve.

CERTIFICATION

The undersigned represents that:

Access to materials provided in Docket No. MC98-1 by the Postal Service in response to OCA/USPS-T5-33 and filed as Library Reference USPS-LR-15/MC98-1 (hereinafter, "these materials" or "the information") has been authorized by the Commission.

The copy obtained is marked on every page with my name.

I agree to use the information only for purposes of analyzing matters at issue in Docket No. MC98-1.

I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain in strict confidence these materials in accordance with all of the protective conditions set out above.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____

CERTIFICATION UPON RETURN OF PROTECTED MATERIALS

Pursuant to the Certification which I previously filed with the Commission regarding information provided in Docket No. MC98-1 by the Postal Service in response to OCA/USPS-T5-33 and filed as Library Reference USPS-LR-15/MC98-1 (hereinafter, "these materials" or "the information"), received on behalf of myself and/or the party which I represent (as indicated below), I affirm as follows:

1. I have remained eligible to receive access to materials under paragraph 1 of the protective conditions throughout the period those materials have been in my possession. Further, I have complied with all conditions, and have maintained these materials in strict confidence in accordance with all of the protective conditions set out above.
2. I have used the information only for purposes of analyzing matters at issue in Docket No. MC98-1.
3. I have returned the information to the Postal Rate Commission.
4. I have surrendered to the Postal Rate Commission/destroyed all copies of the information which I obtained or which have been made from that information.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

A handwritten signature in black ink, appearing to read "Scott L. Reiter", written over a horizontal line.

Scott L. Reiter

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2999; Fax -5402
October 28, 1998